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| Date: | SEPTEMBER 28, 2006 |
| RE: | NON-FINAL OFFICE ACTION |

Our File Ref.: IPK.023470-US
Your File Ref.: 10/672,428
No. of Pages: 23 (including this cover sheet)

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In response to the Office Action dated 3-28-06, please find the following checked items:

☑ Cover letter, 1 sheet(s);

☑ Petition for Extension of Time Under 37 C.F.R. 1.136(a), Form PTO/SB/22, and one (1) copy thereof attached thereto, 2 sheet(s);

☑ Fee Transmittal, Form PTO/SB/17, 1 sheet(s);

☑ Response to Office Action (including attachments, if any), 18 sheet(s) total;

☐ Other:

☐ Other:

Thank you.

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*The undersigned hereby certifies that a true and accurate copy of the items checked above are being transmitted to the Honorable Commissioner for Patents, by facsimile transmission to the facsimile number indicated above, on this the 28TH day of SEPT, 20 06.*

THOMAS W. BARNES III 52,545

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THOMAS W. BARNES, Ph.D
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September 28, 2006

Commissioner for Patents
United States Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

RE: SUBMISSION OF RESPONSE TO OFFICE ACTION

| | | |
|---|---|---|
| **Applicant(s)** | : | STANLEY L. FRY |
| **Serial No.** | : | 10/672,428 |
| **Filed on** | : | SEPTEMBER 26, 2003 |
| **Title** | : | SELF-LOCKING STACKABLE TAPERED CONTAINER WITH PARTIAL TOP STRUCTURE |
| **Our Ref.** | : | IPK-023470-US |

Dear Commissioner:

Enclosed herewith for filing, Applicant(s) respectfully submit(s) the following checked items:

☒ Petition for Extension of Time Under 37 C.F.R. 1.136(a), Form PTO/SB/22, and one (1) copy thereof attached thereto, 2 sheet(s);

☒ Fee Transmittal, Form PTO/SB/17, 1 sheet(s);

☒ Response to Office Action (including attachments, if any), 18 sheet(s) total;

☐ Other: _____;

☐ Other: _____;

☐ Postage-prepaid return-receipt postcard for your use in stamping to indicate receipt of the above-listed items.

Please stamp the enclosed postcard and return same to me to indicate your receipt of the above-listed items. Please feel free to contact me if you have any questions concerning the above or the enclosed.

With kindest regards,

Thomas W. Barnes
Agent for Applicant(s)

Enclosure(s)
TWB/ jat

***Certification of Mailing or Transmission Under 37 C.F.R. 1.8***
*The undersigned hereby certifies that a true and accurate copy of the within "Response to Office Action", together with all attachments referred-to herein, is being transmitted to the Honorable Commissioner for Patents, either by first-class mail, postage prepaid, addressed to Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450, or by facsimile transmission to the facsimile number indicated hereon, on this the* 28th *day of* September, 20 06.

Thomas W. Barnes, III

PTO/SB/17 (01-06)
Approved for use through 07/31/2006. OMB 0651-0032
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*Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).*

# FEE TRANSMITTAL
## For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 150.00

| Complete if Known | |
|---|---|
| Application Number | 10/672,428 |
| Filing Date | SEPTEMBER 26, 2003 |
| First Named Inventor | STANLEY L. FRY |
| Examiner Name | GARY E. ELKINS |
| Art Unit | 3727 |
| Attorney Docket No. | IPK-023470-US |

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 09-0525 Deposit Account Name: INT'L PAPER CO.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES Fee ($) | FILING FEES Small Entity Fee ($) | SEARCH FEES Fee ($) | SEARCH FEES Small Entity Fee ($) | EXAMINATION FEES Fee ($) | EXAMINATION FEES Small Entity Fee ($) | Fees Paid ($) |
|---|---|---|---|---|---|---|---|
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

**2. EXCESS CLAIM FEES**

| Fee Description | Fee ($) | Small Entity Fee ($) |
|---|---|---|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| Total Claims | Extra Claims | Fee ($) | Fee Paid ($) |
|---|---|---|---|
| _____ - 20 or HP = | 3 | x 50.00 | = 150.00 |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee ($) | Fee Paid ($) |
|---|---|---|---|
| _____ - 3 or HP = | _____ | x _____ | = _____ |

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims: Fee ($) _____ Fee Paid ($) _____

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee ($) | Fee Paid ($) |
|---|---|---|---|---|
| _____ - 100 = | _____ | / 50 = _____ (round up to a whole number) | x _____ | = _____ |

**4. OTHER FEE(S)**

Non-English Specification, $130 fee (no small entity discount) Fees Paid ($) _____

Other (e.g., late filing surcharge): _____ _____

**SUBMITTED BY**

| | | | |
|---|---|---|---|
| Signature | /Thomas W. Barnes, III/ | Registration No. (Attorney/Agent) 52,595 | Telephone 513-248-8736 |
| Name (Print/Type) | THOMAS W. BARNES, III | | Date 9-28-2006 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*